

ARTICLE __ AMEND ZONING BYLAW & ZONING MAP - KELLEY'S CORNER
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map as set forth in this article:

- A. On the Zoning Map, Map Number 1, establish the Kelley's Corner Master Planned Development (KC-MPD) Overlay District. It shall be superimposed on the underlying Kelley's Corner (KC) Zoning District and shall have the same area and boundaries as the KC Zoning District, except that the portion of the KC District that is located at 204-222 Main Street at the intersection of Main and Prospect Streets (Town Atlas parcels G2-110-1, G2-117, and G2-143) shall not be included in the KC-MPD Overlay District.
- B. In Section 4 - Overlay Districts, insert a new Section 4.5 as follows:

4.5 Kelley's Corner Master Planned Development (KC-MPD) Overlay District

- 4.5.1 **Purpose** – To encourage, guide, and regulate larger-scale, mixed-use Master Planned Development (MPD) projects in the Kelley's Corner area consistent with Acton 2020 and the Kelley's Corner Improvement Initiative. The MPD is available as an alternate and optional permitting path for development and redevelopment of TRACTS OF LAND with certain minimum dimensions in Kelley's Corner. It accommodates phased permitting procedures to ensure comprehensive project planning, to expedite permitting, and to establish certainty intended to facilitate project financing.

This section 4.5 is intended to support, enhance and implement Acton 2020 (Acton's Comprehensive Community Plan) and Kelley's Corner Improvement Initiative goals. Accordingly, the purposes of the zoning regulations set forth herein are to help achieve the following objectives:

- Transform Kelley's Corner into a vibrant town center where people can safely and efficiently navigate using various transportation modes.
- Create the form, cohesion, order, and supporting infrastructure that will identify the Kelley's Corner District as an attractive, walkable, and pleasant town center for living, business, shopping, and community activities.
- Encourage sustainable mixed-use development of properties to create places where people enjoy living, working, shopping and socializing.
- Emphasize architecture and site layout that encourages pedestrian interaction and use. Expectations include BUILDINGS with interesting and articulated facades; details and activities at the STREET and sidewalk level that invite interest, interaction and BUILDING access; and outdoor plazas and pocket parks as informal gathering places.
- Provide the minimum necessary vehicular parking to sufficiently support the land USES that depend on such parking.
- Promote pedestrian and bicycle accessibility with generous safety and comfort.
- Use effective, resilient, and low maintenance landscaping, including shade trees.
- Manage and accommodate site access and egress from and to STREETS with sufficient spacing between access driveways to minimize on-STREET congestion.

The regulations provide a framework for the development and redevelopment of land in Kelley's Corner that is consistent with these purposes. The Town has established a Design

Review Board and has adopted Kelley's Corner Design Guidelines to assist with achieving these purposes.

- 4.5.2 **Delineation** – The KC-MPD Overlay District shall be superimposed on the underlying Kelley's Corner (KC) Zoning District and shall have the same area and boundaries as the KC Zoning District, except that the portion of the KC District that is located at 204-222 Main Street at the intersection of Main and Prospect Streets (Town Atlas parcels G2-110-1, G2-117, and G2-143) shall not be included in the KC-MPD Overlay District.
- 4.5.3 **Special Permit Granting Authority** – The Planning Board shall be the designated Special Permit Granting Authority for the MPD Special Permit (the "Master Permit"), and for all other special permits that are required under the KC-MPD Overlay District regulations as set forth herein. It shall also function as the Authority for site plan approvals that are required under the provisions of the KC-MPD Overlay District regulations.
- 4.5.4 **Regulation Overview** – The KC-MPD Overlay District creates thresholds, parameters, performance standards, and procedures for project eligibility, zoning framework, project review, and permitting for eligible developments. Minimum and maximum parameters set the zoning framework. A project has flexibility within that framework for layout and design, mixture of uses, parking arrangements, signage, landscaping, and project execution to be determined based on what is appropriate for each proposed project. In addition to the zoning criteria in this section 4.5, the Kelley's Corner Design Guidelines set forth a baseline of the Town's expectations for site layout, building design, and other relevant matters. In general, this Bylaw contains the following components:
- 4.5.4.1 All developments or re-developments under the KC-MPD Overlay District are subject to an MPD special permit called the Master Permit. It is intended to function as an "umbrella permit" for a MPD Project. A Master Permit's principal purpose is to ensure comprehensive site planning and development that is consistent with the purposes of this Section 4.5 as set forth in Section 4.5.1. However, as set forth herein, the Master Permit process accommodates phased project planning and development whereby the Master Permit may be issued for a comprehensive concept plan, and subsequent detailed design phases or subsequent project development phases may be subject to site plan review procedures.
- 4.5.4.2 Special permit and site plan review procedures described herein provide for Planning Board review, design review, public hearings, and input and guidance by the Town and other interested parties. Because special permits are discretionary and may be approved, approved with conditions, or denied, they ensure that MPD projects as approved benefit the Town through their consistency with Acton 2020 and the Kelley's Corner Improvement Initiative. It is the intention of this Bylaw that any MPD Project proponent and the Town, in particular its Design Review Board using the Kelley's Corner Design Guidelines, will work together closely and cooperatively to achieve the most desirable project.
- 4.5.4.3 To qualify for Master Permit consideration, a TRACT OF LAND must meet minimum dimensions set forth herein. A TRACT OF LAND may be held by an individual LOT owner, or by several owners of multiple LOTS. Individual owners and groups of owners, their legal representatives, or anyone applying with the owners' explicit permission, may apply for Master Permits.
- 4.5.4.4 The dimensional regulations set forth herein rely in part on those in the underlying Kelley's Corner Zoning District, but they allow for more floor area and greater height. Special height limits and design requirements apply to BUILDINGS that are adjacent to STREETS and at the edges of the Kelley's Corner Zoning District.

4.5.4.5 USE regulations set forth herein are derived from the underlying Kelley's Corner Zoning District. However, the regulations set forth herein also allow Multifamily Dwellings.

4.5.5 **Master Permit Process, Effect, and Options** – The Town strongly recommends that project proponents, before filing formal special permit applications, begin with optional, preliminary reviews and discussions with Planning Department staff. The Town also recommends a public informational meeting with the Planning Board prior to formal submittal of an application for a Master Permit.

4.5.5.1 The first permitting step for a MPD Project is to obtain a Master Permit. When granted, the Master Permit governs the entire MPD Project and guides all subsequent permits, special permits, and review steps, and their associated processes that may be needed for detailed MPD Project implementation, execution and maintenance, including but not limited to site layout; BUILDING locations, designs, and massing; circulation and site access/egress; drainage design; landscaping; locations of public parks and plazas, and other public amenities; signage; USES, and, as appropriate, locations and intensity of USES; and requirements, thresholds and conditions for subsequent permits, special permits as appropriate, detailed site plan approvals, detailed building design approvals, and Master Permit amendments.

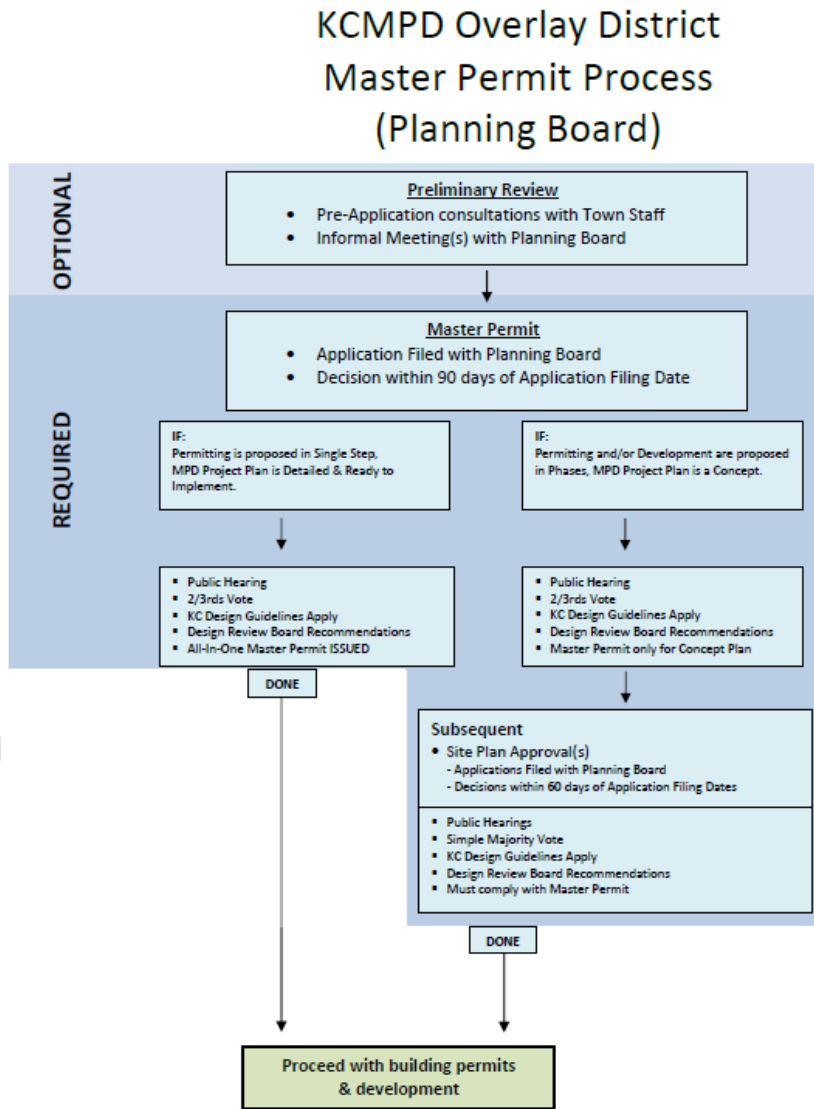
4.5.5.2 The Master Permit, and the approved MPD Project plan approved therein, shall be deemed the definitive approval of a MPD Project. It shall be an all-inclusive permit for all aspects of the development that are regulated and governed under this Bylaw. Except as set forth herein, it shall substitute for and incorporate any and all other special permits that may be required under other sections of this Bylaw, and it shall replace and supersede any and all special permits that may have been granted previously for the subject TRACT OF LAND. The Master Permit shall entitle the MPD Project proponent to rely on its authorizations, including any conditions or limitations, for purposes of proceeding with design, engineering, project financing, and contracting. The Master Permit, together with the approved MPD Project plan, shall be recorded at the Registry of Deeds or the Land Court.

4.5.5.3 Applicants for a Master Permit have choices about the permit process:

- a) The regulations set forth herein allow an Applicant to apply for, and the Planning Board, in appropriate cases, to consider, process, and issue a Master Permit that is all inclusive and final and that, like a conventional special permit with possible plan amendments, conditions and limitations, authorizes the issuance of building permits for construction (a "Final Master Permit"). In order to be considered for a Final Master Permit, the project proponent(s) must submit an application with robust, detailed and complete plans, analyses and designs that support an executable MPD Project that is consistent with the purposes of this Section 4.5 as set forth in Section 4.5.1 and the requirements of this Bylaw.
- b) Otherwise, the regulations as set forth herein provide that a Master Permit may be granted on the basis of a comprehensive concept plan that is founded on a thorough overall feasibility analysis, that determines the approximate site layout, site access, BUILDING arrangements and USES within the established zoning framework. Other planning and design details are then deferred to one or more later MPD Project permitting phases requiring subsequent site plan review procedures, which when granted shall become part of the Master Permit as addenda or supplements. Throughout the multi-step permitting and review process, consistency with the purposes of this Section 4.5 as set forth in Section 4.5.1 shall be the primary objective of the Planning Board. This phased arrangement is intended, in part, to provide a basis for regulatory

approval so that project proponents may obtain any necessary construction financing in order to proceed and to take into account market and other forces that may require phased development of a TRACT OF LAND.

c) The Master Plan Process is generally as follows:



d) Any significant changes from the concept plan as approved in the Master Permit shall require amendments of the Master Permit.

4.5.6 **Minimum Dimensional Requirements** – The following minimum dimensional requirements shall apply to a TRACT OF LAND in the KC-MPD Overlay District as a threshold to qualify for a Master Permit:

4.5.6.1 Minimum FRONTAGE: 300 feet.

4.5.6.2 Minimum area: 50,000 square feet.

4.5.6.3 All other minimum requirements shall be the same as for a LOT in the underlying KC zoning district.

4.5.7 **Maximum Dimensional Requirements** – The following maximum dimensional requirements shall apply to a TRACT OF LAND in the KC-MPD Overlay District, and all projects shall comply with them to qualify for a Master Permit:

4.5.7.1 Maximum height of BUILDINGS: 55 feet, and not exceeding four stories above the basement.

4.5.7.2 Maximum FLOOR AREA RATIO: 1.00.

4.5.7.3 All other maximum requirements shall be the same as in the underlying KC zoning district.

4.5.8 **Other Dimensional Requirements for certain BUILDINGS.**

4.5.8.1 Placement of Buildings abutting STREETS.

a) At least 70 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. A portion not exceeding 25 percent of the 70 percent requirement may be taken up by pedestrian plazas.

b) Where the LOT FRONTAGE exceeds 500 feet, at least 80 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. A portion not exceeding 20 percent of the 80 percent requirement may be taken up by pedestrian plazas.

c) The aforesaid BUILDING and pedestrian plaza location requirements shall be reduced to extent

The Planning Board may allow a minor reduction of not more than 10 percent of the aforesaid BUILDING and pedestrian plaza location requirements provided that the Planning Board finds that the alternative arrangement significantly enhances the MPD project design and is consistent with the purpose of this Section 4.5 as stated in Section 4.5.1.

d) Pedestrian plazas shall function as gathering spots at the STREET level in front of BUILDINGS, on the sides of BUILDINGS, or in between BUILDINGS. They shall be designed for exclusive pedestrians use and shall be open to and connect with the sidewalk and walkways.

e) No driveway or parking lot shall be placed in the space between STREETS and the BUILDINGS or Pedestrian Plazas that abut STREETS within 30 feet as required in this section.

4.5.8.2 Height of BUILDINGS abutting STREETS.

- a) BUILDINGS with flat roofs that abut STREETS within 30 feet as required in the previous section shall have a maximum height of 40 feet as measured separately for each side of the BUILDING from the mean finished ground level adjoining the BUILDING to the top of the highest roof beam. (ADD IMAGE)
- b) BUILDINGS with pitched roofs that abut STREETS within 30 feet as required in the previous section shall have a maximum height of 40 feet measured separately for each side of the BUILDING from the mean finished ground level adjoining the BUILDING to the spring points of a pitched roof (where the vertical façade planes and the pitched roof planes meet), and such BUILDINGS shall not exceed an overall height of 45 feet from the mean finished ground level adjoining the entire BUILDING to the mean level of the pitched roof. (ADD IMAGE)
- c) The Planning Board may consider exceptions to the aforesaid height limits for portions of BUILDINGS, if it finds that such exception significantly enhances the MPD project design and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.8.3 Height of BUILDINGS abutting Single-Family Residential Zoning Districts.

- a) BUILDING facades that are located within 55 feet of a Single-Family Residential District boundary shall have a maximum height of 40 feet from the mean finished ground level adjoining the BUILDING to the top of the highest roof beam of a flat roof, and to the to the spring points of a pitched roof (where the vertical façade planes and the pitched roof planes meet).
- b) The Planning Board may consider exceptions to the aforesaid height limits for portions of BUILDINGS, if it finds that such exception significantly enhances the MPD project design and feasibility, and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.9 Allowed USES –

- 4.5.9.1 All USES allowed by right in the underlying KC zoning district shall be deemed as allowed by right; and all USES allowed by special permit in the underlying KC zoning district shall also be deemed as allowed by right unless otherwise determined, restricted or prohibited in the Master Permit.
- 4.5.9.2 Multi Family Dwellings shall be allowed as a USE and may comprise up to 75 percent of the total GROSS FLOOR AREA on the MPD TRACT OF LAND.

4.5.10 Location of USES - Unless specifically approved otherwise in the Master Permit, the locations of USES shall conform to the following standards:

- 4.5.10.1 On the LOT FRONTAGE, the ground floors of BUILDINGS that abut STREETS within 30 feet as required in Section 4.5.8.1 above, shall be occupied, or designed to be available for occupancy, by USES that promote and interact with a pedestrian, walkable environment. Such USES are Retail Stores, Restaurants, various Services, or similar USES as determined by the Planning Board during the Master Permit process. Exempt from this requirement are BUILDING entrances that serve upper stories.
- 4.5.10.2 The ground floors of BUILDINGS that abut STREETS within 30 feet as required in Section 4.5.8.1 above, shall not be used for occupancy by residential USES.
- 4.5.10.3 The Planning Board may consider alternate location arrangements for USES, particularly for Residential USES where residential USES exist directly on the opposite side of a STREET, if it finds that it significantly enhances the MPD project design and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

- 4.5.11 **Optional Preliminary Project Reviews** – The Acton Planning Department offers preliminary MPD project review consultations, and preliminary MPD project review meetings with various Town staff and agencies. In addition, the Planning Board offers preliminary public meetings to introduce a proposed MPD project to the Acton community and to facilitate early public comment and input.
- 4.5.12 **Master Permit** – A Master Permit issued hereunder shall govern a MPD Project and site, and shall be enforceable by the Town in the same manner as any other requirements of this Bylaw. Except as provided here in Section 4.5, a Master Permit shall be the only required special permit under this Zoning Bylaw. Other special permits that may be required under any other section of the Zoning Bylaw shall be considered and integrated with the Master Permit, and shall be deemed granted if the Master Permit is granted. Previous special permits issued for the TRACT OF LAND shall be deemed replaced and superseded by a Master Permit.
- 4.5.13 **Required Findings** – The Planning Board shall issue a Master Permit if, after review and comments from other Town boards and agencies, including specifically the Design Review Board, and after a public hearing it finds that:
- 4.5.13.1 The MPD concept plan is consistent with Acton 2020 (Acton’s Master Plan), the Kelley’s Corner Improvement Initiative, and the Purposes of this Section 4.5 as set forth in Section 4.5.1.
 - 4.5.13.2 The MPD concept plan is consistent with the Kelley’s Corner Design Guidelines as applied to the specific MPD TRACT OF LAND.
 - 4.5.13.3 The MPD concept plan otherwise meets the special permit findings criteria set forth in Section 10.3.5 of this Bylaw.
- 4.5.14 **Design Guidelines and Design Review Board** - The Planning Board shall adopt and promulgate Kelley’s Corner Design Guidelines consistent with Acton 2020 and the Kelley’s Corner Improvement Initiative. These Guidelines shall be the same for the underlying Kelley’s Corner Zoning District and for the Kelley’s Corner MPD Overlay District. The Planning Board shall solicit comments and recommendation from the Design Review Board concerning the implementation of the Design Guidelines in a specific Master Permit application. The purpose of this consultation shall be to achieve a design that is consistent with the intent of the Kelley’s Corner Design Guidelines and the Purposes of this Section 4.5 as set forth in Section 4.5.1.
- 4.5.15 **Master Permit Terms and Conditions** –
- 4.5.15.1 The Planning Board may impose special permit conditions, safeguards and limitations on a Master Permit consistent with the Purposes of this Section 4.5 as set forth in Section 4.5.1, and as otherwise as set forth in section 10.3.6 of this Bylaw.
 - 4.5.15.2 The Planning Board may impose specific dimensional requirements within the limits set forth in this Section 4.5, as it deems appropriate in order to enhance the MPD Project within a specific TRACT OF LAND in a manner that is consistent with the Purposes of this Section 4.5 as set forth in Section 4.5.1.
 - 4.5.15.3 The Planning Board may establish requirements for vehicular and bicycle parking and for parking lots that vary from the otherwise applicable requirements set forth in Section 6 of this Bylaw in order to enhance the MPD project design and to effect the Purposes of this Section 4.5 as set forth in Section 4.5.1.
 - 4.5.15.4 The Planning Board may establish rules and requirements for signage that vary from the otherwise applicable requirements set forth in Section 7 of this Bylaw in order to

enhance the MPD project design and to effect the Purposes of this Section 4.5 as set forth in Section 4.5.1.

- 4.5.15.5 The Planning Board may establish requirements for landscaping that vary from the otherwise applicable requirements set forth in this Bylaw in order to enhance the MPD project design and to effectuate the Purposes of this Section 4.5 as set forth in Section 4.5.1. The minimum required landscape buffers to abutting residential districts as set forth in the underlying KC District shall apply.
- 4.5.15.6 The Planning Board may require in the Master Permit one or more site plan reviews and approvals, and one or more special permits, for final approval of MPD Project plans. In appropriate cases, a Master Permit applicant may request, and the Planning Board may issue, such site plan approvals and special permits concurrently with the Master Permit.
- 4.5.15.7 A Master Permit applicant may propose specific restrictions or regulations on USES, and the Planning Board in granting a Master Permit may accordingly establish which USES shall be allowed or prohibited on an MPD TRACT OF LAND, and may establish special permit requirements for certain USES, mixtures of USES, locations of USES, intensity of USES, or change of USES. In appropriate cases, a Master Permit applicant may request, and the Planning Board may issue such special permits concurrently with the Master Permit for the initial development and occupancy. However, the Planning Board shall not prohibit, restrict or further regulate USES that are allowed by right in the underlying KC zoning district and otherwise shall not prohibit, restrict or regulate specific USES in a MPD TRACT OF LAND unless it finds that doing so significantly enhances the MPD project in a manner that is consistent with Purposes of this Section 4.5 as set forth in Section 4.5.1.
- 4.5.15.8 The Planning Board may in a Master Permit delegate certain administrative matters to the Planning Department or other Town agencies.
- 4.5.15.9 The Planning Board may in a Master Permit establish criteria and thresholds for MPD Project changes or modifications that require the Planning Board's approval and that require formal amendments to the Master Permit. Consideration of such formal amendments shall follow the same procedures and reviews as set forth for the original Master Permit.
- 4.5.15.10 The Planning Board may in a Master Permit impose any other conditions, safeguards and limitations that it deems necessary and appropriate to effectuate the intent of this Bylaw and to ensure MPD project consistency with Acton 2020, the Kelley's Corner Improvement Initiative, The Kelley's Corner Design Guidelines, and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.16 Master Permit and Special Permit Procedures and Timelines –

- 4.5.16.1 The Planning Board shall issue and file with the Town Clerk its decisions on Master Permit applications and Special Permit applications as set forth herein within 90 days from the date that any such application was received, unless such time is extended by written mutual agreement between the permit applicant and the Planning Board.
- 4.5.16.2 Except for the aforesaid shortened timeline, any Master Permit and any special permit required pursuant to a Master Permit shall be governed by the standards and procedures, including appeals procedures, for special permits as set forth elsewhere in this Bylaw and in M.G.L. Ch. 40A.

4.5.17 Site Plan Approval Procedures –

4.5.17.1 The Planning Board shall issue and file with the Town Clerk its decisions on Site Plan Approval applications as set forth herein within 60 days from the date that any such application was received, unless such time is extended by written mutual agreement between the permit applicant and the Planning Board.

4.5.17.2 A Site Plan Approval pursuant to a Master Permit shall only require a simple majority vote of the Planning Board.

4.5.17.3 In all other respects, any Site Plan Approval required pursuant to a Master Permit shall be governed by the standards and procedures, including appeals procedures, for special permits as set forth elsewhere in this Bylaw and in M.G.L. c. 40A.

4.5.18 **Rules and Regulations** – The Planning Board may adopt and promulgate Rules and Regulations governing the administration of the aforesaid Master Permit, and of any Special Permits and Site Plan Approvals thereunder, including but not limited to plan and document filing requirements, public notices, hearing procedures, and filing fees.

4.5.19 **Revisions and Amendments of a MPD Project or Plan** - Any change in the layout and design of BUILDINGS, driveways, parking lots, pedestrian amenities, landscaping, or any other change which, in the opinion of the Zoning Enforcement Officer, would significantly alter the character of the MPD Project as approved, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a Master Permit amendment and hold a public hearing pursuant to Section 10.3 of this Bylaw, if it finds that the proposed changes are substantial in nature and of public concern.

C. In Section 5 - Table of Standard Dimensional Regulations, in the Business District group, delete the line for the KC (Kelley's Corner) Zoning District, and replace it with the following new line:

DISTRICT	ZONING DISTRICTS	MINIMUM LOT AREA insq.ft.	MINIMUM LOT FRONTAGE in feet	MINIMUM LOT WIDTH In feet	MINIMUM FRONT YARD in feet	MINIMUM SIDE & REAR YARD in feet	MINIMUM OPEN SPACE in percent	MAXIMUM FLOOR AREA RATIO	MAXIMUM HEIGHT in feet
BUSINESS DISTRICTS	KC(15)	10,000	100	50	25(19)	NR(6)	NR	0.20	36

And delete footnote (6), and replace it with the following new footnote (6):

(6) The minimum side or rear yard to a residential zoning district boundary shall be not less than 50 feet. On LOTS in existence on or before February 15, 1990 where this side or rear yard requirement exceeds 20 percent of the LOT depth, the requirement may be reduced to 20 percent of the LOT depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the applicable side or rear LOT line.

And delete footnote (15), and replace it with the following new footnote (15):

(15) Subject to certain provisions in Section 5.6, Special Provisions for the Kelley's Corner District. Section 4.5 establishes the Kelley's Corner Master Planned Development (KC-MPD) Overlay District with different thresholds and dimensions.

And insert a new footnote (19) as follows:

(19) The maximum front yard shall be 30 feet for BUILDINGS that must be located near a STREET as required under Section 5.6, Special Provisions for the Kelley's Corner District.

- D. Delete Sections 5.6 - Special Provisions for the Kelley's Corner District, and 10.4.3.5.2) - Special Landscaping Standards for the Kelley's Corner District, and replace them with a new Section 5.6 as follows:

5.6 Special Provisions for the Kelley's Corner District

- 5.6.1 **Purposes** – This Section 5.6 is intended to support, enhance and implement the Acton 2020 (Acton's Comprehensive Community Plan) and Kelley's Corner Improvement Initiative goals for Kelley's Corner. Accordingly, the purposes of the zoning regulations set forth herein are to help achieve the following objectives:
- Transform Kelley's Corner into a vibrant town center where people can safely and efficiently navigate using various transportation modes.
 - Create the form, cohesion, order, and supporting infrastructure that will identify the Kelley's Corner District as an attractive, walkable, and pleasant town center for living, business, shopping, and community activities.
 - Encourage sustainable mixed-use development of properties into places where people enjoy living, working, shopping and socializing.
 - Emphasize architecture and site layout that encourages pedestrian interaction and use. Expectations include BUILDINGS with interesting and articulated facades; details and activities at the STREET and sidewalk level that invite interest, interaction and BUILDING access; and outdoor plazas and pocket parks as informal gathering places.
 - Provide the minimum necessary vehicular parking sufficient to support the land USES that depend on it.
 - Promote pedestrian and bicycle accessibility with generous safety and comfort.
 - Use of effective, resilient, and low maintenance landscaping, including shade trees.
 - Manage and accommodate site access and egress from and to STREETS with sufficient spacing between access driveways to minimize on-STREET congestion.
- 5.6.2 **Standards** – The Site Plan Special Permit Granting Authority shall require compliance with the following standards on all LOTS in the KC District. In determining compliance, the Site Plan Special Permit Granting Authority shall consult the Kelley's Corner Design Guidelines and solicit advice from the Design Review Board:
- 5.6.2.1 Buffer to Single Family Zoning Districts - Where a business, industrial or multi-family USE, or a parking lot abuts a Single Family Residential District, the Site Plan Special Permit Granting Authority shall require a substantially opaque landscape buffer of at least 20 feet in depth that is designed to reduce noise and other impacts on abutting Single Family Residential Districts.
- a) Where deemed appropriate and necessary to protect abutting Single Family Residential USES, the Site Plan Special Permit Granting Authority may require an increase in the width of this landscape buffer to 30 feet.
 - b) In areas where abutting LOTS in Single Family Residential Districts have Single Family Dwellings on them, the Site Plan Special Permit Granting Authority may require that this buffer shall include a fence, up to eight feet in height, designed to prevent access to the abutting LOTS.

- 5.6.2.2 Sidewalks and Walkways – Sidewalks shall be installed along the LOT FRONTAGE on a STREET or on STREETS, and walkways shall be provided between BUILDING entrances and the nearest STREET or STREETS with minimal interruption by driveways.
- a) Parking lot aisles, and access and interior driveways, shall not be considered walkways.
 - b) Sidewalks along STREETS shall be at least 8 feet wide.
 - c) Sidewalks may be located within the layout of STREETS or on LOTS.
 - d) Unless directed otherwise by the Site Plan Special Permit Granting Authority, sidewalks shall be separated from vehicular travel lanes with buffers at least 4 feet wide having landscaped or hardscaped surfaces and where possible room for trees, light poles, and street furniture.
- 5.6.2.3 STREET Trees – As a baseline standard, shade trees shall be placed behind sidewalks at 40-45 foot intervals and provided with adequate space to reach maturity. The Site Plan Special Permit Granting Authority may modify this standard to adjust for site-specific circumstances such as building or driveway locations, while ensuring the adequate provision of STREET trees.
- 5.6.2.4 BUILDING Design and Layout – Building designs and layouts shall be consistent with the Kelley's Corner Design Guidelines. In addition, the following specific requirements shall apply:
- a) At least 60 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. A portion not exceeding 33 percent of the 60 percent requirement may be taken up by a pedestrian plaza.
 - b) Where the LOT FRONTAGE exceeds 300 feet, at least 70 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. A portion not exceeding 25 percent of the 70 percent requirement may be taken up by pedestrian plazas.
 - c) Where the LOT FRONTAGE exceeds 500 feet, at least 80 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. A portion not exceeding 20 percent of the 80 percent requirement may be taken up by pedestrian plazas.
 - d) The Site Plan Special Permit Granting Authority may allow a minor reduction of not more than 10% of the aforesaid BUILDING and pedestrian plaza location requirements provided it finds that the alternative design features are consistent with purposes of this section 5.6 as stated in Section 5.6.1.
 - e) Pedestrian plazas shall function as gathering spots at the STREET level in front of a BUILDING, on the side of a BUILDING, or in between BUILDINGS. They shall be designed for exclusive pedestrians use and shall be open and connect to the sidewalk and walkways.
 - f) No driveway or parking lot shall be placed in the space between STREETS and the BUILDINGS or Pedestrian Plazas that abut STREETS within 30 feet as required in this Section.
 - g) On the LOT FRONTAGE, the ground floors of BUILDINGS, which abut STREETS within 30 feet as required in this Section, shall be occupied, or designed to be available for occupancy, by USES that promote and interact with a pedestrian, walkable environment. Such USES are Retail Stores, Restaurants, various Services, or similar USES as determined by the Site Plan Special Permit Granting Authority. Exempt from this requirement are BUILDING entrances that serve upper stories.

- h) In BUILDINGS, which abut STREETS within 30 feet as required in this Section, the main business entrance to each ground floor business, identified by larger doors, signs, canopies, awnings or similar means of highlighting, shall be from the BUILDING front. Retail Stores with a NET FLOOR AREA larger than 20,000 square feet may have a second main entrance in another location, for instance towards a parking lot in the rear or the side of a BUILDING.
- i) The main architectural features of the front facades of BUILDINGS, which abut STREETS within 30 feet as required in this Section, including the materials used, shall be continued around all sides of the BUILDINGS that are visible from a STREET. The Site Plan Special Permit Granting Authority may approve alternate facades for side and rear BUILDING walls that are consistent with the purposes of this Section 5.6 as stated in Section 5.6.1 and preserves the architectural integrity of the BUILDING as a whole.
- j) Single story flat roof BUILDINGS shall have a minimum height of 25 feet.
- k) Garage doors and loading docks are not allowed in the BUILDING fronts that abut STREETS.
- l) BUILDING service and loading areas shall incorporate effective methods for visual and noise buffering from adjacent USES.
- m) A BUILDING's mechanical equipment shall not be visible from the STREET.

5.6.2.5 Driveways and Parking Lots –

- a) No driveway or parking lot shall be placed in the space that is directly between STREETS and BUILDINGS, which abut STREETS within 30 feet as required in the previous Section 5.6.2.4. Vehicular driveways and parking lots may be located to the side and rear of such BUILDINGS.
- b) On the sides of BUILDINGS that abut STREETS within 30 feet as required in the previous Section 5.6.2.4, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.
- c) Driveway and walkway connections shall be provided to abutting LOTS within the KC District. Where such connections are not available due to current conditions on abutting LOTS, provisions shall be required to connect to such abutting LOTS at a future date in locations and by means that the Site Plan Special Permit Granting Authority may determine.
- d) Access driveways shall be shared as common driveways with adjacent LOTS whenever possible. Where such sharing of driveways is not possible due to current conditions on abutting LOTS, provisions shall be required to create such common driveways at a future date in locations and by means that the Site Plan Special Permit Granting Authority may determine.

5.6.2.6 Connectivity - LOTS in the KC District shall have pedestrian and bikeway connections to abutting neighborhoods and facilities outside the KC District. Where such connections are not available due to current conditions in the surrounding area, provisions shall be required for such connections at a future date in locations and by means that the Special Permit Granting Authority may determine.

Comment [A1]: How does this apply to any LOTS other than those that border the edge of the district?

E. Amend Section 6.9.5 - Special Provisions for Parking in the Kelley's Corner District, as follows:

1. Insert new Sub-sections 6.9.5.2 and 6.9.5.3 as follows:

- 6.9.5.2 No driveway or parking lot shall be located directly between STREETS and BUILDINGS that abut STREETS within 30 feet as required in Section 5.6.2.4. Vehicular driveways and parking lots may be located to the side and rear of such BUILDINGS.
- 6.9.5.3 On the sides of BUILDINGS that abut STREETS within 30 feet as required in Section 5.6.2.4 of this Bylaw, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.

And renumber the current Sub-sections 6.9.5.2 through 6.9.5.5 to become Sub-section 6.9.5.4 through 6.9.5.7 respectively.

2. Delete Subsection 6.9.5.5 (as renumbered to 6.9.5.7 above) - Design Requirements and Landscaping, and replace it with new Subsections 6.9.5.7 and 6.9.5.8 as follows:

- 6.9.5.7 Design Requirements – The parking lot design requirements of Section 6.7 shall not apply in the KC District. Off-STREET parking spaces, except parking spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or less residents, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements:
- a) Required parking spaces, ACCESS driveways, and interior driveways shall be provided and maintained with suitable grading, paved surfaces, adequate drainage, and landscaping as required in Section 6.9.5.6.
 - b) ACCESS Driveways – Not more than one ACCESS driveway per LOT from a STREET shall be permitted. One additional ACCESS driveway from another STREET may be permitted.
 - c) Common ACCESS Driveways – Access driveways shall be shared as common driveways with adjacent LOTS whenever possible. Where such sharing of driveways is not possible due to current conditions on abutting LOTS, provisions shall be required to create such common driveways at a future date in locations and by means that the Site Plan Special Permit Granting Authority may determine.
 - d) Driveway width - Driveways shall be 20 feet wide for two-way traffic and 14 feet wide for one-way traffic. Greater width may be permitted for intersection roundings and curves as needed, and to meet Fire Code requirements but only to the extent needed to safely accommodate all expected vehicles types.
 - e) Set-Backs – Except where parking lots established in accordance with Section 6.9.5.4 cross over common LOT lines, and except where greater setback dimensions are required under sections 5.6.2.1 and 6.9.5.3 of this Bylaw, all parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be set back a minimum of 5 feet from any LOT lines. However, on the sides of BUILDINGS, which abut STREETS within 30 feet as required in Section 5.6.2.4 of this Bylaw, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.
- 6.9.5.8 Landscaping of Parking Lots – Parking lots shall include a landscape area equal to a minimum of five percent (5%) of the area of the parking lot.
- a) Shade trees – At least one shade tree shall be provided for each two thousand (2,000) square feet or less of pavement area. Each shade tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 30 feet in height at maturity; be at the time of planting at least seven (7) feet in height with a trunk caliper size of at least 3/4 inches; and be surrounded by a landscaped area of two hundred square feet (200 sq. ft.) to accommodate the root system of the mature tree.

- b) Perimeter Planting Strip – Parking lots adjacent to STREETS, sidewalks, paths, ACCESS driveways and BUILDINGS shall include a perimeter planting strip that is at least seven and one-half (7.5) feet wide. However, the width of planting strips, which are protected with 12-inch or higher vertical curbs or with bollards or balustrades may be reduced to five (5) feet. Said planting strip shall provide a vertical separation between the parking lot and adjacent ways of at least 2.5 feet in height. This vertical separation may consist of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination thereof.
- c) Placement of Landscaped Areas - Landscaped areas shall be arranged so that no parking space is located more than ninety (90) feet from a landscape area.
- d) Plantings – Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover.
- e) Additional landscaping may be required by the Site Plan Special Permit Granting Authority to appropriately screen the parking lot from the STREET and adjacent USES.
- f) Sight Distance – All landscaping along any STREET FRONTAGE and at driveways shall be placed and maintained so that it will not obstruct sight distance for vehicular traffic.
- g) Protection of Landscaped Areas – Landscaped areas shall be planted and protected in such a manner that the plantings will not be damaged by vehicles.
- h) Landscaped areas shall be reasonably cared for and maintained in good condition; plants that die or become diseased shall periodically be replaced with suitable and equivalent substitutes.

F. In Section 8.8 - Public Acquisition, add the following sentence:

“In the KC District, any dimensional ratios or percentages in this Bylaw that are derived from, dependent on, or otherwise use the LOT or TRACT OF LAND area, for instance as a basis for determining DEVELOPABLE SITE AREA, or FLOOR AREA RATIO, shall be calculated based on the area of such LOT OR TRACT OF LAND in existence prior to the date of any taking or acquisition by any federal, state or local governmental body by eminent domain or otherwise.”

SUMMARY

--- (to be expanded when article near final) ---

This article establishes new and amended zoning standards for the Kelley’s Corner district.

Part A: Establishes the Master Planned Development (KC-MPD) Overlay District on the Zoning Map superimposed on the Kelley’s Corner zoning district. As a result there will be for Kelley’s Corner an underlying zoning district with certain dimensional and use regulations; and a superimposed overlay district with different requirements.

Part B: Establishes the superimposed Master Planned Development (KC-MPD) Overlay District in the Zoning Bylaw with:

- Minimum qualifying thresholds:
 - site control of 50,000 square feet;
 - site frontage 300 feet.

- Maximum limits:
building height 55 feet;
FAR 1.00
- Multifamily Residential uses allowed up to 75% of gross floor area
- Special requirements for buildings that abut streets and single-family residential districts.
- Process and standards for master plan development special permit; a permit that approves an overall concept master development plan for a site and governs its entire subsequent permitting and development process.

Part C: Amends and clarifies dimensional requirements for the underlying Kelley's Corner District. Most significantly, the maximum floor area ratio (FAR) is reduced to 0.20 and the maximum front yard is set at 30 feet.

Part D: Amends the special provisions for the underlying Kelley's Corner District such that more special provisions apply to buildings below FAR 0.20. Special provisions deal with building designs and locations, buffers and screening, landscaping, location of driveways and parking lots, etc.

Part E: Amends the special regulations for parking lots and driveways in the underlying Kelley's Corner District with respect to placement, access, setbacks, and landscaping.

Part G: In anticipation of future public right-of-way acquisitions in Kelley's Corner, inserts an exemption to provide that development densities can rely on the land base before any acquisition.

(Note: Review the Sewer assessment bylaw (General Bylaw D.10) to see if any clarifications or changes may be necessary and/or advisable).

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Recommendations: **Board of Selectmen** **Finance Committee** **Planning Board**